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# Reservations to the Treaty of Peace With Germany

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## STATEMENTS MADE TO THE PRESS

REGARDING THE BIPARTISAN CON-  
FERENCE ON RESERVATIONS TO THE  
TREATY OF PEACE WITH GERMANY

By

SENATOR HENRY CABOT LODGE

AND

SENATOR GILBERT M. HITCHCOCK



PRESENTED BY MR. LODGE  
JANUARY 31, 1920.—Ordered to be printed

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# RESERVATIONS TO THE TREATY OF PEACE WITH GERMANY.

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## STATEMENT OF SENATOR LODGE JANUARY 31, 1920.

For the past two weeks nine Senators—five Democrats and four Republicans—have been meeting to consider the question of changes in the reservations adopted by the Senate before the adjournment of the last session of Congress commonly known as the Lodge reservations. The Senators who thus met did not constitute a committee. The meetings were entirely informal and it was understood at the outset that they had no power or authority whatever to bind anyone. Their only purpose was to see whether there were any changes which they would be willing to lay before all the other Members of the Senate for their consideration. No final agreement, even to submit any changes to their colleagues in the Senate, was reached. Some tentative agreements were obtained. Reservations 3, 8, 12, and 13 were tentatively accepted by all without change. It was tentatively agreed to submit the following changes to all the other Senators for their consideration:



## RESOLVING CLAUSE.

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1     *Resolved (two-thirds of the Senators present concurring*  
2 *therein)*, That the Senate advise and consent to the ratifica-  
3 tion of the treaty of peace with Germany concluded at Ver-  
4 sailles on the 28th day of June, 1919, subject to the follow-  
5 ing reservations and understandings, which are hereby made  
6 a part and condition of this resolution of ratification, which  
7 ratification is not to take effect or bind the United States until  
8 the said reservations and understandings adopted by the Sen-  
9 ate have been accepted by an exchange of notes as a part and  
10 a condition of this resolution of ratification by at least three of  
11 the four Principal Allied and Associated Powers, to wit,  
12 Great Britain, France, Italy, and Japan:

The Democrats proposed to strike out all after the word "ratifica-  
tion" in line 6 to the end of the clause. The Republicans proposed  
the following substitute (new language in italic):

1     *Resolved (two-thirds of the Senators present concurring*  
2 *therein)*, That the Senate advise and consent to the ratifica-  
3 tion of the treaty of peace with Germany concluded at Ver-  
4 sailles on the 28th of June, 1919, subject to the follow-  
5 ing reservations and understandings, which are hereby made  
6 a part and a condition of this resolution of ratification, which  
7 ratification is not to take effect or bind the United States until  
8 the said reservations and understandings adopted by the Sen-  
9 ate have been accepted as a part and a condition of this reso-  
10 lution of ratification by *the Allied and Associated Powers and*  
11 *a failure on the part of the Allied and Associated Powers to make*  
12 *objection to said reservations and understandings prior to the*  
13 *deposit of ratification by the United States shall be taken as a*  
14 *full acceptance of such reservations and understandings by said*  
15 *powers.*

This proposal was tentatively agreed to.

#### RESERVATION NO. 4.

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1 The United States reserves to itself exclusively the  
2 right to decide what questions are within its domestic juris-  
3 diction and declares that all domestic and political questions  
4 relating wholly or in part to its internal affairs, including im-  
5 migration, labor, coastwise traffic, the tariff, commerce, the  
6 suppression of traffic in women and children and in opium  
7 and other dangerous drugs, and all other domestic questions,  
8 are solely within the jurisdiction of the United States and  
9 are not under this treaty to be submitted in any way either  
10 to arbitration or to the consideration of the council or of the  
11 assembly of the League of Nations, or any agency thereof, or  
12 to the decision or recommendation of any other power.

Various changes were suggested to this reservation. It was finally tentatively agreed to insert the word "internal" before the word "commerce," in line 5, and to strike out, in line 7, the words "and all other domestic questions," which were a superfluous repetition.

### RESERVATION NO. 6.

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1 The United States withholds its assent to articles 156,  
2 157, and 158, and reserves full liberty of action with  
3 respect to any controversy which may arise under said  
4 articles between the Republic of China and the Empire of  
5 Japan.

It was tentatively agreed to strike out the words "between the Republic of China and the Empire of Japan".



## RESERVATION NO. 7.

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1 The Congress of the United States will provide by  
2 law for the appointment of the representatives of the  
3 United States in the assembly and the council of the  
4 League of Nations, and may in its discretion provide for the  
5 participation of the United States in any commission, com-  
6 mittee, tribunal, court, council, or conference, or in the  
7 selection of any members thereof and for the appoint-  
8 ment of members of said commissions, committees, tribu-  
9 nals, courts, councils, or conferences, or any other rep-  
10 resentatives under the treaty of peace, or in carrying out  
11 its provisions, and until such participation and appoint-  
12 ment have been so provided for and the powers and  
13 duties of such representatives have been defined by law,  
14 no person shall represent the United States under either  
15 said League of Nations or the treaty of peace with Ger-  
16 many or be authorized to perform any act for or on behalf  
17 of the United States thereunder, and no citizen of the  
18 United States shall be selected or appointed as a member  
19 of said commissions, committees, tribunals, courts, councils,  
20 or conferences except with the approval of the Senate of  
21 the United States.

It was tentatively agreed to substitute for this reservation the following wording, which is precisely the same in effect except that under the substitute there is no promise made to pass such a statute, the original form containing the words "The Congress of the United States will provide":

1 No person is or shall be authorized to represent the United  
2 States, nor shall any citizen of the United States be eligible  
3 as a member of any body or agency established or authorized  
4 by said treaty of peace with Germany, except pursuant to an  
5 act of the Congress of the United States providing for his ap-  
6 pointment and defining his powers and duties.

### RESERVATION NO. 10.

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1 If the United States shall at any time adopt any plan  
2 for the limitation of armaments proposed by the council of  
3 the League of Nations under the provisions of Article 8, it  
4 reserves the right to increase such armaments without the  
5 consent of the council whenever the United States is  
6 threatened with invasion or engaged in war.

Many suggestions were made for changes in this reservation, and it was finally tentatively agreed to adopt the following substitute proposed by the Republicans:

1 No plan for the limitation of armaments proposed by the  
2 council of the League of Nations under the provisions of Ar-  
3 ticle 8 shall be held as binding the United States until the  
4 same shall have been accepted by Congress.

### RESERVATION NO. 1.

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1 The United States so understands and construes  
2 article 1 that in case of notice of withdrawal from the  
3 League of Nations, as provided in said article, the United  
4 States shall be the sole judge as to whether all its inter-  
5 national obligations and all its obligations under the said  
6 covenant have been fulfilled, and notice of withdrawal by  
7 the United States may be given by a concurrent resolution  
8 of the Congress of the United States.

It was proposed by the Democrats to strike out the word "concurrent" in line 7, and insert the word "joint." It was suggested by the Republicans to amend this reservation by striking out all after the word "given," in line 7, and inserting "by the President or whenever a majority of both Houses of Congress may deem it necessary."

No decision was reached as to the changes proposed in this reservation.

### RESERVATION NO. 9.

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1 The United States shall not be obligated to contribute to  
2 any expenses of the League of Nations, or of the secretariat,  
3 or of any commission, or committee, or conference, or other  
4 agency organized under the League of Nations or under the  
5 treaty or for the purpose of carrying out the treaty provisions,  
6 unless and until an appropriation of funds available for such  
7 expenses shall have been made by the Congress of the  
8 United States.

It was proposed to strike out the word "or" in line 2 and insert "except the office force and expenses." No decision was reached upon this change.

**RESERVATION NO. 11.**

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1 The United States reserves the right to permit, in its  
2 discretion, the nationals of a covenant-breaking State, as  
3 defined in Article 16 of the covenant of the League of Nations,  
4 residing within the United States or in countries other than  
5 that violating said Article 16, to continue their commercial,  
6 financial, and personal relations with the nationals of the  
7 United States.

It was proposed to strike out the words "or in countries other than that violating said Article 16." No decision was reached on this proposal.



## RESERVATION NO. 14.

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1 The United States assumes no obligation to be  
2 bound by any election, decision, report, or finding of the  
3 council or assembly in which any member of the league  
4 and its self-governing dominions, colonies, or parts of em-  
5 pire, in the aggregate have cast more than one vote, and  
6 assumes no obligation to be bound by any decision, report,  
7 or finding of the council or assembly arising out of any  
8 dispute between the United States and any member of the  
9 league if such member, or any self-governing dominion,  
10 colony, empire, or part of empire united with it politically  
11 has voted.

The following was proposed as a substitute for this reservation:

1 *Until part 1, being the covenant of the League of Nations,*  
2 *shall be so amended as to provide that the United States shall be*  
3 *entitled to cast a number of votes equal to that which any member*  
4 *of the league and its self-governing dominions, colonies, or parts*  
5 *of empire, in the aggregate, shall be entitled to cast, the United*  
6 States assumes no obligation to be bound, *except in cases where*  
7 *Congress has previously given its consent* by any election, deci-  
8 sion, report, or finding of the council or assembly in which  
9 any member of the league and its self-governing dominions,  
10 colonies, or parts of empire, in the aggregate have cast more  
11 than one vote.

12 The United States assumes no obligation to be bound by  
13 any decision, report, or finding of the council or assembly  
14 arising out of any dispute between the United States and  
15 any member of the league if such member or any self-govern-  
16 ing dominion, colony, empire, or part of empire, united with  
17 it politically, has voted.

No decision was reached on this change.



## RESERVATION NO. 2.

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1 The United States assumes no obligation to preserve  
2 the territorial integrity or political independence of any other  
3 country or to interfere in controversies between nations—  
4 whether members of the league or not—under the provisions  
5 of article 10, or to employ the military or naval forces of  
6 the United States under any article of the treaty for any  
7 purpose, unless in any particular case the Congress, which,  
8 under the Constitution, has the sole power to declare war or  
9 authorize the employment of the military or naval forces  
10 of the United States, shall by act or joint resolution so  
11 provide.

Various amendments and substitutes were offered to this reservation in regard to article 10 of the treaty. It was found impossible to agree on any change in this reservation to be presented to the other Senators.

## RESERVATION NO. 5.

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1 The United States will not submit to arbitration or  
2 to inquiry by the assembly or by the council of the League  
3 of Nations, provided for in said treaty of peace, any ques-  
4 tions which in the judgment of the United States depend  
5 upon or relate to its long-established policy, commonly  
6 known as the Monroe doctrine; said doctrine is to be in-  
7 terpreted by the United States alone and is hereby declared  
8 to be wholly outside the jurisdiction of said League of Nations  
9 and entirely unaffected by any provision contained in the  
10 said treaty of peace with Germany.

It was proposed by the Democrats to strike out in lines 6 and 7 the words "said doctrine is to be interpreted by the United States alone." To this consent could not be obtained.

Speaking for myself alone I have only this to say, that I was unable to agree to any change in reservations 2 and 5 dealing with article 10 and the Monroe doctrine. In my opinion reservation No. 2, which provides that we shall assume no obligation of any kind under article 10 except the one mentioned in the treaty, that we should ourselves respect the boundaries of other nations, can not possibly permit of change.

The change proposed in reservation No. 5 in regard to the Monroe doctrine was an absolutely vital one, because it was asserted as an official interpretation by the representatives of Great Britain that the Monroe doctrine under the treaty was to be interpreted by the league. To this I for one could never assent, and in view of the statement made in Paris by the British delegation, to which I have referred, I regard the line which it was proposed to strike out as absolutely necessary. The United States has always interpreted the Monroe doctrine alone. It is our policy. No one else has ever attempted to interpret it, and it is something in my judgment which ought never to be permitted even by the most remote implication. If we should strike out that phrase now, after it had been accepted by the Senate, it would lead to a direct inference that we left that question open. The right to interpret the Monroe doctrine pertaining to the United States alone must never be open to question.

H. C. LODGE.

## STATEMENT OF SENATOR HITCHCOCK.

[From the Washington Post, Jan. 31, 1920.]

"To-morrow I shan't be here, but Senator Walsh, of Montana, will give notice for me that on Tuesday, February 10, I shall ask the Senate to proceed to the consideration of the peace treaty. I shall be back here before that time. It is my intention to return to Washington from my home in Nebraska Thursday next.

"At the meeting to-day we presented the last Taft reservation on article 10 as our proposition of a compromise. There was some conversation as to the exact meaning of the reservation. We urged the Republicans to say whether they could accept it or consider it.

"Senator Lodge said definitely he could not accept it. We then asked if the Republicans had a counterproposal or would make one. Senator Lodge replied that he could not make any proposition on article 10 other than the one contained in the Lodge program of reservations. He said he could not consent to any modification.

"We did not take up the Monroe doctrine, but Senator Lodge was equally positive there could be no alteration of that reservation. We had accepted the reservation on the Monroe doctrine with the exception that we proposed an elimination of the right of the United States alone to interpret it.

"I suggested that perhaps we could agree on some way of taking the treaty up in the Senate, but Senator Lodge said he did not care to have any meeting on that subject."

"Do you think you have enough votes to get the treaty up in the Senate?" Senator Hitchcock was asked.

"We do not know."

"How many Democrats do you count on?" was the next inquiry.

"There will be at least 43 Democratic votes," replied Senator Hitchcock. "Before the question of the Senate taking up the treaty comes before it for determination conferences will have been held by the Democrats and possibly the Republicans to decide whether the reservations as tentatively agreed upon in the bipartisan conferences shall be taken up singly or en bloc.

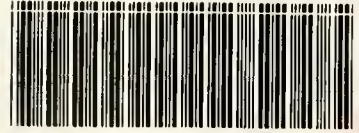
"There was no dramatic climax to the conferences. It was agreed by all that unless some compromise could be worked out on article 10 it would be useless to continue the meetings."

"Was your move to-day discussed with the White House in advance?" Senator Hitchcock was asked.

"It was not. We are running entirely independently of the White House in this action."

Senator Hitchcock said he was satisfied that Senator Underwood will make no move to get consideration of his resolution for a formal committee of conciliation until after the effort is made to get the treaty before the Senate for open consideration on the floor.

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